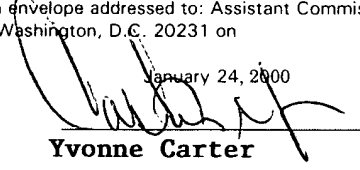


THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of James Lee et al. Serial No.: 09/104,063 Filed: 24 June 1998 For: NUCLEIC ACIDS ENCODING PF4A RECEPTOR	Group Art Unit: 1646 Examiner: J. Ulm CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on January 24, 2000  Yvonne Carter
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TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Your petitioner, Genentech, Inc., having a place of business at 1 DNA Way, South San Francisco, California 94080-4990 in the county of San Mateo has reviewed the evidentiary documents set forth hereinbelow and certifies to the best of Genentech's knowledge and belief that title in and to the above-identified application and the referenced U.S. Pat. Nos. 5,919,896, 5,892,017, 5,922,541 and 5,840,856 reside in Genentech, Inc.

Your petitioner, Genentech, Inc., represents that it is the owner of the entire right, title and interest in and to application U.S. Ser. No. 09/104,063, filed June 24, 1998, by virtue of an assignment recorded on February 7, 1992 at Reel 6007, Frame 0958, the owner of the entire right, title and interest in and to U.S. Pat. No. 5,919,896, by virtue of an assignment recorded on April 21, 1997 at Reel 8469, Frame 0193, the owner of the entire right, title and interest in and to U.S. Pat. No. 5,892,017, by virtue of an assignment recorded on April 21, 1997 at Reel 8467, Frame 0344, the owner of the entire right, title and interest in and to U.S. Pat. No. 5,922,541, by

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virtue of an assignment recorded on April 21, 1997 at Reel 8469, Frame 0184, and the owner of the entire right, title and interest in and to U.S. Pat. No. 5,840,856, by virtue of an assignment recorded on February 7, 1992 at Reel 6007, Frame 0958.

Your petitioner hereby disclaims the terminal part of any patent granted on application U.S. Ser. No. 09/104,063 that would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any of U.S. Pat. Nos. 5,919,896, 5,892,017, 5,922,541 and 5,840,856 and hereby agrees that any patent so granted on application U.S. Ser. No. 09/104,063 shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Pat. Nos. 5,919,896, 5,892,017, 5,922,541 and 5,840,856, this agreement to run with any patent granted on the application U.S. Ser. No. 09/104,063 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on application U.S. Ser. No. 09/104,063 prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any of U.S. Pat. Nos. 5,919,896, 5,892,017, 5,922,541 and 5,840,856 in the event that the latter patent later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

I, Richard Love, am empowered to act on behalf of Genentech, Inc. as an attorney of the company.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is authorized to charge the statutory fee of \$110.00 required for filing this Disclaimer to Deposit Account No. 07-0630. Please charge any deficiency or credit any overpayment to Account 07-0630. **A duplicate of this sheet is enclosed.**

Respectfully submitted,

GENENTECH, INC.



Richard Love

Attorney of Record

Dated: *24 January 2000*
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